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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1988 OF 2006

The Regional Director, Employees' State Insurance Corporation, Mumbai-400 013. ...Appellant.

Vs.

M/s.New Persian Bakery. ...Respondents.

Mr. H.V.Mehta for the appellant.

Mr. S.S.Pathak for respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 23rd July, 2007

P.C.

1. The respondents-original applicants have invoked Section 75 of the Employees' State Insurance Act-1948 (for short, "ESI Act-1948) and challenged the action of appellant in respect of coverage of demanding the liability under the ESI Act w.e.f. 07/07/1987. After considering the material and evidence placed on record, the Employees' Insurance Court, Mumbai by the impugned order dated 21/07/2004 has allowed the application and held that the respondents factory is not coverable under provisions of ESI Act-1948 and further that the factory is not coverable under Section 1(5) of the ESI Act-1948, and therefore, order passed by the ESI Authority on 24/06/1991 under

Section 45-A of the ESI Act-1948 was not proper, legal and valid, and therefore, there was no question of grant of an interest on alleged contribution.

2. After considering the rival submissions of the learned counsel appearing for the parties and after going through the reasoning given, based on the facts and circumstances of the case, I am of the view that there is no question of law involved in the matter. The finding is within the framework of law and on record.

3. Resultantly, the first appeal is dismissed.

4. No costs.

(ANOOP V. MOHTA, J.)